

# **Chevy Chase Village Board of Managers**

## **March 18, 2013**

***Note:** These minutes reflect the Board's actions only, and do not include remarks made by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance. An audio recording of this meeting is available on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or by request to the Village office.*

### **BOARD OF MANAGERS**

Patricia S. Baptiste, Chair	Present
Michael L. Denger, Vice Chair	Present
Richard Ruda, Secretary	Present
Gary Crockett, Treasurer	Present
David L. Winstead, Board Member	Present

### **STAFF**

Shana R. Davis-Cook, Village Manager	Present
John Fitzgerald, Police Chief	Present
Michael Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting and Code Enforcement Coordinator	Present
Jacqueline A. Parker, Public Safety Coordinator	Present

### **COUNSEL**

Suellen M. Ferguson, Village Counsel	Present
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Ms. Patricia S. Baptiste, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:33 p.m. Ms. Baptiste introduced the Village's recently appointed new outside counsel, Suellen Ferguson.

### **Approval of Minutes from the Board's Regular Meeting held on February 11, 2013**

Minutes of the Board's regular meeting held on February 11, 2013 were circulated to the Board prior to the meeting.

*Mr. Crockett moved to approve the minutes of the Board of Managers' regular monthly meeting held on February 11, 2013, as drafted. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.*

### **Approval of Minutes from the Board's Budget Work Session held on February 20, 2013**

Minutes of the Board's Budget Work Session held on February 20, 2013 were circulated to the Board prior to the meeting.

*Mr. Ruda moved to approve the minutes from the Board of Managers' Budget Work Session held on February 20, 2013, as drafted. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.*

### **Updates on Ethics Ordinance and Village Board Election**

Mr. Denger reported that the Village's second request for an exemption from the new State Public Ethics Law's financial disclosure requirements had been denied by the State Ethics Commission; therefore, the new Village Ethics Ordinance will go into effect no later than 45 days after the Village receives formal notice from the State Ethics Commission of the denial, which the Village has not yet received. The ordinance will go into effect no earlier than April 26.

Mr. Denger reported that there will be six seats up for election, which include those currently filled by Patricia Baptiste, Richard Ruda, Gary Crockett and David Winstead and seats vacated last fall by Peter Kilborn and Tom Jackson, who had resigned. A notice will be mailed to all Village households updating residents on the status of the Board election and the new financial disclosure requirements. Mr. Denger, along with members of the Village Ethics Commission and Village Counsel, will hold a meeting in the Village Hall on Wednesday, April 3 at 7:30 p.m. to explain the new financial disclosure statements to prospective candidates for elected office.

### **Consent Agenda**

**Mr. and Mrs. Dan Pryor, 7 Newlands Street.** Consent agreement to remove one 26.0 inch diameter Willow Oak tree located in the east (side) yard of the property to accommodate a proposed addition. *There were no requests for this matter to be removed from the Consent Agenda.*

*Mr. Crockett moved to approve the consent agreement, as drafted. Mr. Denger seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.*

### **A-6082 (Extension Requests): Mr. and Mrs. Andrew C. Marino, 11 Primrose Street.**

Extension of a previously approved variance to relocate and construct front steps that extend a maximum of twelve feet, eight inches (12'-8") forward of the twenty-five (25) foot front building restriction line; and an extension of a previously approved special permit to relocate and install a lamp post along a relocated front walkway (in the Primrose Street public right-of-way). The proposed new lamp post would be located four feet, nine and one-half inches (4'-9 ½") from the public sidewalk. *There were no requests for this matter to be removed from the Consent Agenda.*

*Mr. Crockett moved to approve the extension of a previously approved variance to relocate and construct front steps that extend a maximum of twelve feet, eight inches (12'-8") forward of the twenty-five (25) foot front building restriction line; and grant an extension of a previously approved special permit to relocate and install a lamp post along a relocated front walkway (in the Primrose Street public right-of-way). The proposed new lamp post would be located four feet, nine and one-half inches (4'-9 ½") from the public sidewalk. Mr. Denger seconded the*

motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.

### **Special Permit Requests**

#### **A-6285 (Special Permit Requests): Ms. Minh Le and Mr. Chris Dymond, 3933 Oliver Street.**

Replace a portion of a gravel driveway with a paver driveway that would measure a maximum of twenty-six (26) feet in width and thirty (30) feet in length in front of the two-car garage in the north yard of the property; and to replace a gravel driveway with a paver driveway that would measure a maximum of twenty-six (26) feet in width in the Cedar Parkway public right-of-way.

*Mr. Denger moved to direct staff to draft a decision approving the special permit to replace a portion of a gravel driveway with a paver driveway that would measure a maximum of twenty-six (26) feet in width and thirty (30) feet in length in front of the two-car garage in the north yard of the property; and replace a gravel driveway with a paver driveway that would measure a maximum of twenty-six (26) feet in width in the Cedar Parkway public right-of-way because it is a material change within the same footprint.* Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.

#### **A-6266 (Variance Request): Mr. and Mrs. Alex Sternhell, 27 Primrose Street.** Reconfigure a pair of existing front steps that would encroach a maximum of eleven feet, five and one-half inches (11'-5 ½") forward of the twenty-five (25) foot front (Primrose Street) building restriction line.

*Mr. Crockett moved to direct staff to draft a decision approving the variance request to reconfigure a pair of existing front steps that would encroach a maximum of eleven feet, five and one-half inches (11'-5 ½") forward of the twenty-five (25) foot front (Primrose Street) building restriction line, because there is also precedential evidence of others cases along the street and the steps would not protrude any farther than the existing farthest encroachment.* Mr. Denger seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.

#### **Mr. Paul Rasevic on behalf of 136 Grafton Street, LLC, 136 Grafton Street.** Request for removal of one 24.0-inch diameter Black Locust tree located in the Grafton Street public right-of-way.

*Mr. Denger moved to direct staff to draft a resolution approving the removal of one 24.0-inch diameter Black Locust tree located in the Grafton Street public right-of-way, provided the applicant reforests pursuant to the requirements imposed by the Maryland Department of Natural Resources.* Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.

## **Treasurer's Report**

The Treasurer's Report was distributed prior to the meeting. No action was taken by the Board.

## **Police Report**

The Police Report was distributed prior to the meeting. No action was taken by the Board.

## **Proposed Policy: Compensation for Court Attendance:**

*Mr. Ruda moved to approve the overtime policy as presented.* Mr. Denger seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.

## **Committee Reports**

### **Tree Committee**

Committee Chair Samuel Lawrence provided an update on the approval process through the State Highway Administration for reforestation along Connecticut Avenue, the Dutch Elm Disease treatment inoculation program for trees located in Village parks and public rights-of-way, and the overall status of the Village's tree inventory. No action was taken by the Board.

### **Chevy Chase Open Space Committee**

Committee member Lyric Winik advised that the committee had selected two names as candidate recommendations to the Board: "Village Grove" or "Grove's End" (either name will be followed by "Urban Park" per Park & Planning's naming requirements for this type of park). She explained that once a recommended name is selected by the Village Board, it would be provided to Park & Planning for approval.

Ms. Baptiste, Mr. Denger, Mr. Crockett, and Mr. Winstead voted to recommend naming the park "The Village Grove" Urban Park. Mr. Ruda voted against the recommendation.

Committee Staff Liaison Mr. Younes provided an update to the Board regarding the status of planning activities and possible next steps. The Board supported including \$50,000 in the pending FY2014 budget to fund design drawings for the park pursuant to the recommended Concept Plan.

## **Old Business & Status Reports**

### **Landscape Maintenance Contract – Chemical Use Program**

Mr. Younes provided the Board with an overview of the chemical treatments (pesticide, fertilizer, etc.) currently authorized under the Village's landscape maintenance contract. The Board directed Mr. Younes, Energy & Environment co-Chair Dr. Marilyn Bracken, Mr. Charles Monk of Oliver Street and the Village's landscape contractor to work together to determine a plan for an environmentally conscious park maintenance plan. Further Board action will be taken if the revised plan requires additional funds.

## **Status Updates**

### **Capital Project Update: Street Lighting Improvements**

Mr. Younes provided an update on the status of PEPCO's LED streetlights. Mr. Younes proposed the following streets as installation sites for the sample LED streetlights.

- Full length of East Lenox Street – using the cobra-head LED fixture;
- Grafton Street (between Cedar Parkway and Kirkside Drive) – using the teardrop LED fixture; and
- Full length on West Kirke Street. – using the cobra-head LED fixture between Cedar and Magnolia Parkways and the teardrop LED fixture between Magnolia Parkway and Connecticut Avenue.

*No objections were heard from the Board.*

### **Update on Village Hall Landscaping**

Ms. Davis-Cook outlined the new landscape plan for around the Village Hall entrance. *The Board unanimously approved the landscape plan as proposed.*

## **New Business**

### **Public Hearing: Draft Budget for the Fiscal Year Beginning July 1, 2013 (FY2014)**

No comments were heard from the floor. The Board directed staff to amend the draft FY 2014 budget as follows:

- Move a portion of the “Parks, Trees, Greenspaces: Tree Planting” line item to the “Capital Projects and Special Projects: Connecticut Avenue Tree Planting” line item (the actual amount will be determined by staff pending a review of the candidate plantings sites as approved by the State Highway Administration”.
- Increase the “Capital Projects and Special Projects: Chevy Chase Open Space Development” line item from \$10,000 to \$50,000.

### **Board Consideration and Possible Adoption of Draft Public Right-of-Way Maintenance Ordinances**

Action on the proposed right-of-way maintenance ordinances was postponed.

## **Manager's Report**

The Manager's Report was circulated prior to the meeting. No action was taken by the Board.

*Mr. Crockett moved to adjourn the meeting.* Mr. Denger seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed. The meeting adjourned at 9:32 p.m.

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Secretary, Chevy Chase Village Board of Managers

*Final.*